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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/535,893	03/27/2000	Fumihisa Shimono	P/29-1252	3965

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EXAMINER

MASKULINSKI, MICHAEL C

ART UNIT	PAPER NUMBER
2184	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/535,893	SHIMONO, FUMIHISA
	Examiner Michael C Maskulinski	Art Unit 2184

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 08 October 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,2,6,7,11 and 12 is/are rejected.
- 7) Claim(s) 3-5,8-10 and 13-15 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) Interview Summary (PTO-413) Paper No(s) _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

Final Office Action

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 2, 6, 7, 11, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Hulyalkar et al., U.S. Patent 6,339,585 B1. The Examiner maintains the rejection from the previous Office Action, paper no. 9, mailed August 9, 2003, the body of which can be found there.

Allowable Subject Matter

3. Claims 3-5, 8-10, and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

4. Applicant's arguments filed October 8, 2003 have been fully considered but they are not persuasive.
5. On page 4, under the section REMARKS, the Applicant argues, "Claim 1 requires 'a connection controlling unit for connecting said disconnected client terminal to said search client terminal by said search controlling unit.' It should be noted that the connection controlling unit is part of the client terminal. Claims 6 and 11 are method claims which require 'searching for, by said disconnected client terminal (emphasis by Applicant), another of said client terminals to which said disconnected client terminal is to be connected; and connecting said disconnected client terminal to said search client

terminal.’ These limitations are not disclosed in the Hulyalkar reference.” Further, the Applicant adds, “The wireless terminal in Hulyalkar does not connect to another point in the network independent (emphasis by Applicant) of the central controller as explicitly recited in Applicant’s claim.” The Examiner respectfully disagrees. First, with regard to the Applicant’s statement: “It should be noted that the connection controlling unit is part of the client terminal,” this is incorrect because Claim 1 specifically and clearly claims that each of said plurality of access points not the client terminal comprises a connection controlling unit. Second, in column 12, lines 17-53, Hulyalkar et al. teach a connection controlling unit for connecting said disconnected client terminal to said searched client terminal by said search controlling unit. Third, with regard to claims 6 and 11, in column 8, lines 29-37, Hulyalkar et al. disclose that in an adhoc network, there is still the requirement of a central controller to control the signaling/control information and available slot allocation, and it is the data information between the WT (wireless terminal) and the CC (central control) that is distributed such that each WT, during its slot “piggybacks” its control information to the CC, where (among other control) messages it specifies the number of slots requested for the next CDF. Thus, through the CC, the wireless terminal (disconnected client terminal) searches for an empty slot. Further, contrary to the Applicant’s belief, the wireless terminal connects to another access point independent of the CC. This is disclosed in column 8, lines 53-60: After synchronization, the WT must “associate” with the network for which it needs an assigned slot. The mechanism to obtain a slot is to send a request for a slot during the E_burst phase. **Since the BS/CC is not yet aware of the existence of the WT**

(independent of the CC), the BS/CC assigns periodically a certain number of E_burst slots to no particular WT, and here the WT randomly selects one of these unassigned slots to ask for the request of a slot in a succeeding CDF. In other words, the CC merely provides information to the WT searching for an access point as to what's available. Once the WT knows what's available it searches for it. Further, the CC does not control the connecting.

6. The Examiner suggests, in order to expedite prosecution, including the allowable subject matter of claims 3-5, 8-10, and 13-15 into the respective independent claims.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C Maskulinski whose telephone number is (703) 308-6674. The examiner can normally be reached on Monday-Friday 9:30-6:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

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PRIMARY EXAMINER